

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

NEMAJAN MARAZHAPOV,

Plaintiff,

-against-

UNITED STATES CITIZENSHIP
AND IMMIGRATION SERVICES,

Defendant.

ORDER

No. 1:23-cv-06266-NRM

NINA R. MORRISON, United States District Judge:

On August 21, 2023, Plaintiff Nemajan Marazhapov (“Plaintiff”) brought a Complaint against United States Citizenship and Immigration Services relating to the agency’s delayed adjudication of his Form I-589, Application of Asylum and Withholding of Removal, and Form I-131, Application for Travel Document. ECF No. 1 at 7–8; *see also* ECF No. 6 at 1. Plaintiff seeks an order compelling a hearing on his Form I-589 and the issuance of a travel document. ECF No. 1 at 7–8. On September 1, 2023, the Court ordered the Government to show cause within sixty days why a writ of mandamus should not be issued.

On October 31, 2023, the Government informed the Court that since Plaintiff commenced this action, it issued Plaintiff a Notice of Interview with respect to his I-589 application. ECF No. 6 at 2. The Government further

determined that Plaintiff's I-131 had been denied, decided to reopen it, and issued a Request for Evidence ("RFE") to Plaintiff in connection with his Form I-131. *Id.* The Government argues that, based on these actions, Plaintiff's action is now moot. *Id.* That is, in the Government's view, Plaintiff has received the relief he requested in his Complaint and there is nothing left for the Court to rule on in this case. However, the parties have not filed a stipulation of dismissal of this action.

Plaintiff shall proceed as follows. First, Plaintiff shall consider the Government's argument in its October 31, 2023 letter. If Plaintiff agrees with the Government that Plaintiff has received all of what he was asking for in this lawsuit, and that there is therefore no need for this Court to consider the case any further, Plaintiff shall file a letter on or before December 6, 2023 informing the Court that the parties have settled and that Plaintiff is voluntarily dismissing this action.

If Plaintiff disagrees with the Government and believes that he has requested something from the Court that the Government has not yet offered or provided to him, and which Plaintiff believes he is legally entitled to have this Court order the Government to do, Plaintiff shall file a letter on or before December 6, 2023 informing the Court that this action is not settled. Plaintiff's letter shall explain exactly what Plaintiff is asking the Court to do for him now, in light of the legal claims raised in his August 2023 Complaint.

If needed, the Court shall then schedule a conference with all parties at a date to be determined.

At this time, the Court relieves the Government of its obligation to respond to the Court's September 1, 2023 Order to Show Cause.

/s/ NRM
NINA R. MORRISON
United States District Judge

Dated: November 6, 2023
Brooklyn, New York